

**Town of Newtown
Board of Ethics
Regular Meeting
May 11, 2017**

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE BOARD OF ETHICS

The Board of Ethics held a special meeting on Thursday, May 11, 2017 at the Municipal Center, Meeting Room 3, 3 Primrose Street, Newtown, CT. Chairman Villa called the meeting to order at 6:19pm.

Present: Jackie Villa, Suzanne Copp, David Camputo, Kristen Provost-Switzer (by phone), Lauri Kilchevsky (by phone), Joyce Murty (by phone), Tom Fuchs (by Phone)

Minutes: Suzanne Copp moved to approve the minutes from the 4/6/17 meeting. Kristen Provost-Switzer seconded, motion unanimously approved.

Correspondence: None

UNFINISHED BUSINESS

Final presentation of proposed amendments for the administration of the Code of Ethics –

Suzanne Copp moved to accept the Complaint Processing Procedures as posted in the Town Clerks office 4/18/17(Attachment A). Tom Fuchs seconded, motion unanimously approved.

Suzanne Copp moved to accept the Complaint Petition as posted in the Town Clerks office 1/9/17. Joyce Murty seconded(Attachment B), motion unanimously approved.

Suzanne Copp moved to accept the Advisory Opinion Request form posted in the Town Clerks office 1/9/17(Attachment C). Tom Fuchs seconded, motion unanimously approved.

Suzanne Copp moved to accept the Frequently Asked Questions as posted in the Town Clerks office on 4/18/17(Attachment D). Joyce Murty seconded, motion unanimously approved.

Jackie Villa thanked everyone for all their hard work and also thanked Attorney Grogins and Ryan Knapp for their assistance.

Public Comment – None

Having no further business the meeting was adjourned at 6:25pm.

Respectfully Submitted,
Arlene Miles, Clerk

Newtown Board of Ethics

COMPLAINT PROCESSING PROCEDURES
(DRAFT)

I. Definitions:

- a. Board – Refers to the Newtown Board of Ethics (“Board”).
- b. Complainant – Person or persons filing a complaint.
- c. Complaint Petition – Form used in filing a complaint with the Board, hereinafter referred to as Complaint.
- d. Probable Cause – “Probable Cause” means more than a mere suspicion. There must exist facts and circumstances within the Boards’ knowledge, and of which they have trustworthy information, sufficient to justify the belief of a reasonable person that a violation of the Code of Ethics has occurred.
- e. Respondent – Person(s) against whom a Complaint has been filed.

II. Filing a Complaint Petition

- a. The Complaint shall be sent to the Chairman, Newtown Board of Ethics, c/o Newtown Town Clerk on the form adopted by the Board. The form is available on the Town of Newtown website and in the Newtown Town Clerk’s office.
- b. The Board Chairman shall make an appropriate number of copies of the Complaint and shall inform, by email, within five (5) business days, the members of the Board and the Respondent of the receipt of a Complaint.

III. Procedure Upon Receipt of Complaint

- a. Upon receipt of a complaint and notification to Respondent, the Board or designated members of the Board shall confidentially investigate the complaint, within 20 business days of being notified by the Board Chair of the complaint being filed.
- b. An investigation of any complaint shall be and remain confidential until either (1), a determination by a majority of the Board that Probable Cause exists that a violation of the Code of Ethics has occurred and that the complaint warrants a public hearing or (2), the Respondent demands a public hearing. In order to maintain confidentiality, the complaint shall receive a number upon its receipt and shall be referred to by said number. If the Board determines Probable Cause exists, the Board shall, within twenty (20) business days of the conclusion of the Probable Cause investigation, schedule a public hearing to determine the merits of the complaint. Once Probable Cause has been determined, the Board shall make public the Complaint and all documents related thereto.
- c. Notwithstanding the above, in the event the Board determines that the circumstances complained about are subject to a collective bargaining agreement, personal employee contract, or other agreement or policy applicable to the Respondent, the Board shall pursue one of the following:

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Town Clerk of Newtown 8:15am
Debbie Aurelia Holstead

Newtown Board of Ethics

COMPLAINT PROCESSING PROCEDURES (DRAFT)

- i. Transmit, within five (5) business days of the conclusion of the Probable Cause investigation, copies of the Complaint and the Board's Probable Cause determination, to the appropriate forum having jurisdiction.
- ii. The Board shall further take one of the following actions:
 1. Retain jurisdiction, but defer any further action until the appropriate forum has rendered a decision on the matter, or;
 2. Relinquish jurisdiction to the appropriate forum and close the file on the Complaint.

IV. Hearing

- a. The following persons in addition to the Respondent may appear at the Board's hearing:
 - i. Complainant
 - ii. Witnesses called by Complainant or Respondent.
 - iii. Respondent may also bring counsel.
- b. The Board Chairman shall swear in all parties, including any witnesses.
- c. The Complainant shall be allowed to present evidence, including documentation and witnesses.
- d. The Respondent (and their counsel, if any) shall have the right to cross-examine all witnesses against him or her, and present evidence and witnesses on his or her behalf.
- e. The Board shall schedule additional hearing sessions if needed.
- f. At the conclusion of the presentation of evidence by both Complainant and Respondent, the Board shall deliberate. Such deliberation may occur immediately at the conclusion of the public hearing, or may be scheduled for another time, provided that deliberation is finished within ten (10) business days after the conclusion of the public hearing. Deliberation may be conducted in executive session unless the Respondent requests that it be conducted in public. Voting shall be conducted in public.
- g. The Board shall, within five (5) business days after the conclusion of its deliberations:
 - i. Publish written Findings of Fact and,
 - ii. Render a decision as to the merits of the Complaint.
 1. If the Board determines the Complaint is with merit, the Board shall forward to the Board of Selectmen its Findings of Fact and a recommendation as to the disposition of the Complaint.
 2. If the Board determines the Complaint is without merit, the matter will be closed with no further action.

Newtown Board of Ethics

COMPLAINT PROCESSING PROCEDURES *(DRAFT)*

v. Board of Selectmen

- a. The Newtown Board of Selectmen shall consider any Findings of Fact and recommendation of the Board for any Complaints found to constitute a violation of the Code of Ethics.**

Attachment B

Town of Newtown
Board of Ethics
3 Primrose Lane
Newtown, CT 06470

COMPLAINT PETITION

Please type or print the following information and submit to: Chairman, Newtown Board of Ethics, c/o Newtown Town Clerk, in a sealed envelope marked "Confidential".

Your Name: _____

Your Address: _____

Telephone Number(s): _____

Email Address: _____

1. What is the full name of the person you believe has violated the Code of Ethics?

2. What position does this person hold in town? _____

3. What specific section(s) of the Code of Ethics do you believe the above named individual has violated? _____

4. When and where did the alleged violation occur? _____

5. Please attach a brief statement of the facts and circumstances and any documents that will support your allegation.

THIS SECTION MUST BE COMPLETED IN THE PRESENCE OF A NOTARY:

OATH: I, the person bringing this complaint, do affirm and say that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief.

Signature of Complainant: _____

To be completed by the Notary Public:

Sworn to (or affirmed) and subscribed before me this ____ day of _____, 20 ____.

Signature of Notary Public: _____

Print/Stamped name of Notary Public: _____

Rec'd. for Record 1-9-2017
Town Clerk of Newtown 10:04
am
Debbie Aundria Halstead

Draft Form November, 2016

Once a complaint petition has been submitted to the Board of Ethics, the complaint must remain Confidential as prescribed by Connecticut State Statute 1-82n.

Attachment C

Town of Newtown
Board of Ethics
3 Primrose Lane
Newtown, CT 06470

ADVISORY OPINION REQUEST

*****This form is intended for elected or appointed officials of the Town of Newtown to request a prospective advisory opinion from the Board of Ethics. It is NOT used to file a complaint with the Board.*****

Please type or print the following information and submit to: Chairman, Newtown Board of Ethics, c/o Newtown Town Clerk, in a sealed envelope marked "Confidential".

Your Name: _____

Your Address: _____

Telephone Number(s): _____

Email Address: _____

Please provide the following information, attach additional sheets if necessary:

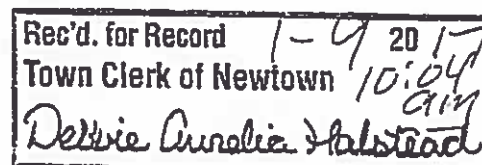
1. What specific action or decision concerns you as a possible violation?

2. What specific section(s) of the Code of Ethics concerns you?

3. Please provide details on the potential violation: _____

This form must be filed with the Town of Newtown Board of Ethics, c/o Town Clerk's Office, 3 Primrose Street, Newtown, CT 06470. An opinion will be rendered by the Board of Ethics within 25 business days.

Draft Form November, 2016



Attachment D

Newtown Board of Ethics

FREQUENTLY ASKED QUESTIONS (Draft)

In an effort to provide responses to frequently asked questions about how the Board of Ethics operates, the following questions and answers may be helpful.

- 1) **Where does the authority for the Board of Ethics come from?** Our authority comes first from the Connecticut General Statutes, specifically 1-82a, and also from the Town Charter (Chapter 303 – Board of Ethics)
- 2) **Who may file a complaint and why might they want to?** Anyone may file a complaint if they believe that a violation of the Newtown Code of Ethics (Town Charter, Chapter 27 – Code of Ethics) has occurred. The Code of Ethics applies to all officials and/or employees of Town of Newtown as follows:
 - a. Elected or appointed officials of the Town, either paid or unpaid (voluntary)
 - b. Elected members and alternates of all boards and commissions
 - c. Appointed members and alternates of all boards, commissions and authorities and Town supported public services
 - d. Employees, which includes paid consultants, of the Town and of all boards, commissions, committees and authorities, including the Board of Education.
- 3) **Who is involved when a complaint is filed?** When a complaint is filed by the Complainant against a specific person or persons (the Respondent or Respondents), the Board of Ethics becomes involved to determine if a violation of the Code of Ethics occurred.
- 4) **What happens after a Complaint Petition is received?** Once a Complaint Petition has been received, the Board of Ethics must determine whether there is probable cause that the alleged violation occurred by investigating the complaint. If probable cause is found, a public hearing will be held. Please see the Newtown Board of Ethics Complaint Processing Procedures document for more detail.
- 5) **Why are probable cause investigations confidential and/or held in Executive Session?** The Board of Ethics is required to do so under Connecticut statute 1-82a.
- 6) **When does the public find out that a complaint has been filed?** If probable cause was found to exist for a complaint, the Board of Ethics would schedule a public hearing to address the complaint. If, however, probable cause was not found to exist, everything related to the complaint remains confidential as required by Connecticut statute 1-82a. Please see the Newtown Board of Ethics Complaint Processing Procedures document for more detail.

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Town Clerk of Newtown 8:15am
Debbie Aurelia Holstead

Newtown Board of Ethics

FREQUENTLY ASKED QUESTIONS

(Draft)

- 7) **What happens at a hearing?** Please see the Newtown Board of Ethics Complaint Processing Procedures document for more detail.
- 8) **Can the Board of Ethics have an elected official removed from office?** No. The Board of Ethics cannot remove an elected official from office. Please see the Chapter 303 of the Newtown Charter and the Newtown Board of Ethics Complaint Processing Procedures document for more detail.
- 9) **What happens if the Respondent is found to have violated the Code of Ethics?** The Board of Ethics recommends action to the Board of Selectman who then take action as they deem appropriate. Please see Chapter 303-6B of the Newtown Charter.
- 10) **Are the meetings open to the public?** Yes. The public may attend any part of any meeting except for executive sessions. Meeting notices and agendas are published by the Newtown Town Clerk.

If you have general questions about the Newtown Board of Ethics and its operations, please contact the Chairman, Newtown Board of Ethics at: Jackie Villa, PO Box 127, Stevenson, CT 06491, (203)364-1255.

Draft Form April 2017